

Appln. No. 09/869,006
Paper dated 7/21/03
Reply to Office Action of January 22, 2003

Remark/Arguments

Request for Extension of Time Pursuant to 37 CFR 1.136 (a)

Applicants hereby request that the period of time for reply be extended three months, from April 22, 2003 to July 22, 2003. A check in the amount of \$465 is included herewith to cover the fee pursuant to 37 CFR 1.17(a)(3).

Summary of Objections to the Specification

The Examiner has objected to the arrangement and form of the specification, requesting that it be revised to conform with the requirements under 35 USC 112. Applicants respectfully request that they be allowed to postpone revision of the specification until such time as allowable subject matter is deemed present in the claims.

Summary of Rejections Under 35 USC 112

The claims have been amended in view of the Examiner's rejections on the basis of indefiniteness. The amendments are believed to place the claims in compliance with U.S. practice. No new matter has been added.

Summary of Rejections Under 35 USC 102

Claims 1-12 are pending and all are rejected under 35 USC 102 as anticipated by the article entitled "Non-Invasive Measurement of Temperature-Versus-Depth Profile in Biological Systems Using a Multiple Frequency-Band Microwave Radiometer System", by Yoshinori, Hamamura et al, Automedica, 1987, Vol.8, pp. 213-232.

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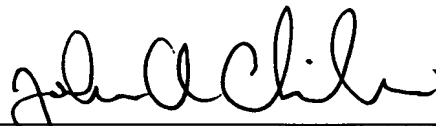
Applicants respectfully traverse the rejection of Claims 1-12 as anticipated by the cited reference, asserting that this reference fails to teach measuring infrared radiation to determine the temperature profile as recited in Claim 1. Without measurements in the infrared the surface of the body being measured cannot be determined and thus, the three dimensional temperature distribution cannot be ascertained.

To anticipate a claim, the reference must teach every element of the claim (MPEP, Section 2131, Page 2100-69). Applicants respectfully contend that the cited reference fails to meet this requirement since measurements in the infrared, recited in Claim 1, are not taught, and the reference cannot therefore properly serve as the basis for an anticipation rejection.

Claims 2-12 are dependent, either directly or indirectly on Claim 1 and should be allowable for the same reasons that Claim 1 is allowable.

A favorable response is earnestly solicited.

Respectfully submitted,



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